

Amendments to the Drawings

Please substitute the attached 8 sheets (FIGURES 1 through 8) of informal drawings for the drawings originally filed with the Application.

The drawing sheets attached in connection with the above-identified Application containing FIGURES 1 through 8 are being presented to be substituted for the previously submitted drawing sheets. The drawing FIGURE 7 has been amended.

The specific changes which have been made to FIGURE 7 include threads on screws 84.

REMARKS

Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow.

This amendment adds, changes and/or deletes claims in this Application. A detailed listing of claims that are, or were, in the Application, irrespective of whether the claim(s) remain under examination in the Application, is presented, with an appropriate defined status identifier.

Objection to the Drawings

On page 2 of the Office Action, the Examiner objected to the Drawings. The Drawings (FIGURE 7) have been amended. Applicants request withdrawal of the objection to the Drawings.

Objection to the Specification

On page 3 of the Office Action, the Examiner objected to the Specification. The Specification has been amended. Applicants request withdrawal of the objection to the Specification.

Claim Rejections – 35 U.S.C. § 112 ¶ 2

On page 3 of the Office Action, the Examiner rejected Claims 1-17, 29 and 30 under 35 U.S.C. § 112 ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Claims 1-17, 29 and 30 have been cancelled. New Claims 35-77 are definite and in compliance with 35 U.S.C. § 112 ¶ 2. Applicants request withdrawal of the rejection of Claims 1-17, 29 and 30 under 35 U.S.C. § 112 ¶ 2.

Status of the Claims

Claims 1-34 have been cancelled.

Claims 35-77 have been added to present claims of varying scope.

Claims 35-77 are now pending.

Claim Rejections – 35 U.S.C. §§ 102 and 103

On page 3-10 of the Office Action, the Examiner rejected Claims 1-34 under 35 U.S.C. § 102(b), 102(e), and 103(a). Claims 1-34 have been cancelled. New independent Claim 35 (and corresponding dependent Claims 36-54), new independent Claim 55 (and corresponding Claims 56-68), and new independent Claim 69 (and corresponding Claims 70-78) have been added to recite in proper form subject matter that is patentable over the cited references. By canceling and adding such claims, Applicants wish to make it unmistakably clear that they do not agree to or acquiesce in the rejection of Claims 1-34 under 35 U.S.C. §§ 102(b), 102(e) and 103(a) and/or agree with the Examiner's view of the scope and the content (i.e., disclosure) of the cited references. Such claims have been cancelled only to further prosecution on the merits.

Applicants respectfully request withdrawal of the rejections of Claims 1-34.

New Claims 35-77

New Claims 35-77 have been added and are intended to recite subject matter that is patentable over the cited references used in the rejection of the claims in the present Office Action.

New independent Claim 35 recites a merchandising system comprising (in combination with other elements) a “base having a front and back” and comprising “separate horizontal rods” and “separate reinforcement members coupled to the back of the base to provide rigidity to the base so that the base is resistant to deformation in more than one direction” and “brackets coupled to the base and configured to attach the base to a shelving system” wherein “the base is configured to attach to different shelving systems having different widths and heights” which are not identically disclosed or otherwise taught or suggested by any of the cited references, alone or in any proper combination. Claims 36-54 depend from independent Claim 34.

New independent Claim 55 recites a display system comprising (in combination with other elements) a “plurality of bases” formed by “vertical rods coupled to horizontal rods” and “supports coupled to a back side of the vertical rods to provide support to the plurality of

bases when one or more tray systems are attached to the plurality of bases” and “brackets coupled to the plurality of bases for attaching the plurality of bases to a shelf system” wherein “the plurality of bases are configured to attach to different shelving systems having different widths and heights” which are not identically disclosed or otherwise taught or suggested by any of the cited references, alone or in any proper combination. Claims 56-68 depend from independent Claim 55.

New independent Claim 69 recites a merchandising system comprising (in combination with other elements) a “base” comprising a “plurality of vertical rods welded to back sides of a plurality of horizontal rods in a generally planar configuration and oriented so that one or more trays can be attached to the base at select locations” and “bars coupled to a back side of the plurality of vertical rods to provide rigidity to the base so that it resists deformation due to the attachment of the one or more trays” and “brackets coupled to the horizontal rods and configured to attach the base to a shelving unit” wherein “the base is configured to couple to different shelving units having different widths and heights” which are not identically disclosed or otherwise taught or suggested by any of the cited references, alone or in any proper combination. Claims 70-77 depend from independent Claim 69.

Applicants believe that the present Application is now in condition for allowance. Favorable reconsideration of the Application as amended is respectfully requested.

* * *

Applicants respectfully submit that each and every outstanding objection and rejection has been overcome, and the present Application is in a condition for allowance. Applicants request reconsideration and allowance of pending Claims 35-77.

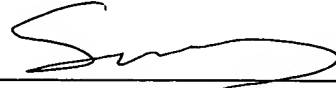
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present Application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this Application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even

entirely missing, the Commissioner is authorized to charge the unpaid amount to the Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extension fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 9/15/04

By 

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